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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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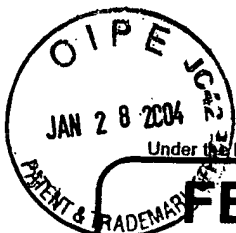
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/690,248	
	Filing Date	OCTOBER 21, 2003	
	First Named Inventor	THOMAS L. BUCKLEY	
	Art Unit	3725	
	Examiner Name		
Total Number of Pages in This Submission	8	Attorney Docket Number	790105-1

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): RETURN POST CARD REPORT
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	LAW OFFICE OF JERRY R. POTTS	
Signature		
Date	JANUARY 28, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	JERRY R. POTTS		
Signature		Date	JANUARY 28, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PTO/SB/17 (10-03)

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	10/690,248
Filing Date	October 21, 2003
First Named Inventor	Thomas L. Buckley
Examiner Name	
Art Unit	3725
Attorney Docket No.	790105-1

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X	<input type="text"/>	<input type="text"/>
Independent Claims	<input type="text"/>	-3** =	<input type="text"/>	X	<input type="text"/>	<input type="text"/>
Multiple Dependent					<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid. If greater, For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	950	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	290	2403	145	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,330	2453	665	Petition to revive - unintentional
1501	1,330	2501	665	Utility issue fee (or reissue)
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801	385	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

Name (Print/Type) JERRY R. POTTS

Signature

Registration No.
(Attorney/Agent)

27.091

(Complete if applicable)

Telephone 760-822-6201

Date

JANUARY 28, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. . Box 1450, Alexandria, VA 22313-1450.

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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas L. Buckley)	Art Unit: 3725
)	
Serial No.: 10/690,248)	Attorney
)	Docket No.: 790105-1
Filed: October 21, 2003)	
)	
Title: Pill Crusher Pouch and Method of)	
Using Same)	

PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT
(37 C.F.R. 1.102 AND M.P.E.P. 708.02)

Mail Stop: Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22231-1450

Dear Sir or Madam:

Applicant hereby petitions to make this application special because of actual infringement.

1. Accompanying Materials

Accompanying this petition is:

- (a) a Statement of Facts in Support of the Petition to Make Special Because of Actual Infringement; and
- (b) a Statement by Attorney in Support of Petition to Make Special Because of Actual Infringement.

CERTIFICATE OF TRANSMITTAL UNDER 37 C.F.R. § 1.8 (a)

I the undersigned, JERRY R. POTTS hereby certified that, on the date shown below, this correspondence is being Deposited with the United States Postal Service, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. ER 310156439 US
Date: January 28, 2004

Signature _____

02/03/2004 WABDELRI 00000033 10690248 130.00 DP
01 FC:1460

2. F (37 C.F.R. 1.17 (i) - \$130.00

Attached is a check in the sum of \$130.00.

Respectfully submitted,

Law Office of Jerry R. Potts

By: 

Jerry R. Potts

Registration No. 27.091

3248 Via Ribera

Escondido, CA. 92029

Customer No. 33651

Telephone: (760) 822-6201

Facsimile: (760) 747-3951



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas L. Buckley

Serial No.: 10/690,248

Filed: October 21, 2003

Title: Pill Crusher Pouch and Method of
Using Same

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Art Unit: 3725

Attorney

Docket No.: 790105-1

Mail Stop: Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22231-1450

**STATEMENT OF FACTS IN SUPPORT OF PETITION TO MAKE SPECIAL
BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P. 708.02)**

I, the undersigned, Thomas L. Buckley, residing at 23911 Innisbrook Lane, Laguna Niguel, CA 92677, am the named inventor in the above-identified patent application, and I hereby state the following:

1. There is an actual infringement of this invention. In this regard, Health Care Logistics, Inc. (hereinafter HCLI), is selling the infringing pouch, which is identified by their product number 12656. The infringing product is being offered for sale and is actual sold from the HCLI website, whose url address is <http://www.hcl-intl.com>.

CERTIFICATE OF TRANSMITTAL UNDER 37 C.F.R. § 1.8 (a)

I the undersigned, JERRY R. POTTS hereby certified that, on the date shown below, this correspondence is being Deposited with the United States Postal Service, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. ER 310156439 US

Date: January 28, 2004

Signature

2. The product that I allege infringes this invention was first discovered to exist on December 1, 2003.

Thomas L. Buckley
Thomas L. Buckley



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas L. Buckley)	Art Unit: 3725
)	
Serial No.: 10/690,248)	Attorney
)	Docket No.: 790105-1
Filed: October 21, 2003)	
)	
Title: Pill Crusher Pouch and Method of)	
Using Same)	

Mail Stop: Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22231-1450

**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF
ACTUAL INFRINGEMENT (M.P.E.P. 708.02)**

I, the undersigned, Jerry R. Potts, (whose business address is 3248 Via Ribera, Escondido, CA 92029, am registered to practice before the United States Patent and Trademark Office and have been assigned Registration No. 27,091) am practitioner in this case and make the following statements:

1. I have made a rigid comparison of the alleged infringing product referred to in my accompanying statement with the claims of this application.

CERTIFICATE OF TRANSMITTAL UNDER 37 C.F.R. § 1.8 (a)

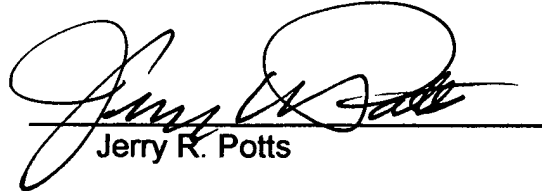
I the undersigned, JERRY R. POTTS hereby certified that, on the date shown below, this correspondence is being Deposited with the United States Postal Service, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. ER 310156439 US

Date: January 28, 2004

Signature

2. That in my opinion, at least claim 6 on file in this application is unquestionably infringed. In this regard, the infringing product is a seamless tube of flexible plastic that has an open top and a closed bottom, where a cup-like seal closes the bottom.
3. I have made a search of the pertinent prior art. All such material art is provided to the Examiner as being filed in a respective Information Disclosure Statement.
4. That I believe all the claims in this application as on file appear to be allowable in view of the prior art uncovered and disclosed in the above-mentioned Information Disclosure Statement.

January 27, 2004



Jerry R. Potts

Registration No.: 27,091